



Re: RE: CFTC v. HIGHLAND STONE, 11 CIV 05209 - REQUEST
FOR EXTENSION OF BRIEFING SCHEDULE

Susan Davis

to:

ForrestNYSDChambers@nysd.uscourts.gov, spadove@CFTC.GOV

10/02/2012 01:09 PM

Cc:

Dave Howard

Hide Details

From: Susan Davis <susandavis88@yahoo.com>

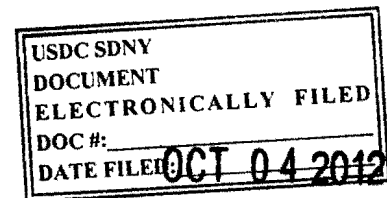
To: "ForrestNYSDChambers@nysd.uscourts.gov"

<ForrestNYSDChambers@nysd.uscourts.gov>,

"spadove@CFTC.GOV" <spadove@CFTC.GOV>

Cc: Dave Howard <david.e.howard@hotmail.com>

11 cv 5209 (KBF)



1 Attachment



image001.jpg

→ That is not true Ms Padove stated we had to file a motion on both matters as they would not agree to an extension without resolving the deposition matter. Than all of a sudden she files an order without telling us or allowing us to review it. Please accept my email as a motion
It is still improper too file a stipulation without letting us review it. She would never pull that with a licensed attorney

Sent from Yahoo! Mail on Android

From: Padove, Susan <spadove@CFTC.GOV>;
To: ForrestNYSDChambers@nysd.uscourts.gov
<ForrestNYSDChambers@nysd.uscourts.gov>;
Cc: David Howard <david.e.howard@hotmail.com>; Susan Davis
<susandavis88@yahoo.com>;
Subject: RE: CFTC v. HIGHLAND STONE, 11 CIV 05209 - REQUEST FOR
EXTENSION OF BRIEFING SCHEDULE
Sent: Tue, Oct 2, 2012 4:53:03 PM

Your honor:

We had a conference call this morning during which the parties attempted to resolve the matter of reopening discovery to take depositions. The parties were unable to reach an agreement on that matter and Ms. Davis indicated that she would be filing a motion later this week regarding the depositions. I will reply to the motion she indicated would be forthcoming at that time.

As for the extension of time, I agreed last week in an email, and again in this morning's phone conference, to the 4 ½ week extension of time sought by Ms. Davis and Ms. Howard and, accordingly, submitted the proposed order on behalf of all parties regarding a revision to the scheduling order in order to assist the *pro se* defendants.

Respectfully,

Susan B. Padove

Senior Trial Attorney

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From: Susan Davis [<mailto:susandavis88@yahoo.com>]
Sent: Tuesday, October 02, 2012 11:47 AM
To: Padove, Susan; ForrestNYSDChambers@nysd.uscourts.gov
Cc: David Howard
Subject: Re: CFTC v. HIGHLAND STONE, 11 CIV 05209 - REQUEST FOR EXTENSION OF BRIEFING SCHEDULE

Your Honor:

This comes as a complete surprise as Susan Padove told us we had to write a motion for this as the CFTC was not agreeing to anything. We asked for exactly one month which falls on a Saturday so it would be filed the next business day and for the cftc to reopen three depositions. Davis, Howard and Burgos for 1 hour each that Mr. Howard and I would be limited to and 15 minute recross for the CFTC. Judge Howell denied the CFTC's request to submit the uncrossed depositions so there was no issue during discovery. Now that we have a new Judge, all of a sudden the depositions are allowed to be submitted directly opposing the former Judge's ruling. We are not seeking to introduce new testimony only to clarify the testimony in the depositions that we were precluded from doing at the time and since the Judge ruled against their submission, the moot was moot. Ms. Padove's argument is that we could have set our own depositions (which she knew we could not afford) during the time for discovery. Based on our belief that the depositions would not be allowed to be submitted there was no need at the time to argue about the depositions. Your Honor has stated that you prefer that the entire deposition be submitted, thus the need to cross arises after the close of discovery. Ms. Padove picked and chose which depositions she allowed us to cross. Ms. Matti will submit an affidavit that at her deposition Ms. Padove said I could not cross or redirect her. Ms. Padove does not deny that she would not let us cross the

depositions at the time the CFTC was doing depositions and she knew and knows that the cost is prohibitive to a pro se defendant. Mr. Mendal, Esq. was present when she refused. She did allow Mr. Mendal to redirect just not me. We agreed that if you extend the time for one month that the CFTC could have two extra days to allow for the Thanksgiving holiday. As usual for Ms. Padove, she did not discuss or allow us to review this Order prior to its submission, something she would never do to a licensed attorney. Please grant our request to order the CFTC to reopen the three depositions we requested at their office in New York or in the alternative do not allow the submission of uncrossed depositions which also include the Kellys.

Susan Davis

Pro Se

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Sent: Tuesday, October 2, 2012 12:30 PM
Subject: CFTC v. HIGHLAND STONE, 11 CIV 05209 - REQUEST FOR EXTENSION OF BRIEFING SCHEDULE

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